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Paper No. 8

WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond Drive, Suite 1100
Houston, TX 77042

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In re Application of:
CHUNG *et al.*

Serial No.: 09/818,193

Filed: March 26, 2001

Attorney Docket No.: 2026.000900/VU0037

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed July 14, 2003, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181. No fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the Office action mailed on October 01, 2002. A Notice of Abandonment was mailed on June 17, 2003.

Petitioner asserts that the Office action mailed on October 01, 2002, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received. A copy of the file docket where the Office action would have been entered was also included with the petition. It is further asserted that a Change of Address (COA) was filed prior to the mailing of the Office action. A copy of the COA, and the date stamped return postcard receipt were included with the petition.

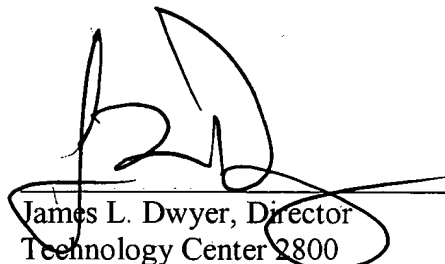
A review of the written record indicates that the COA was received in the United States Patent and Trademark Office on September 24, 2001, but not processed in the application file until October 28, 2002. As a result, the Office action mailed on October 01, 2002, was sent to an incorrect address. It is noted that the application serial number listed on the COA is for a different application. This may have contributed to the delay in processing.

For the above stated reason, the petition is **granted**. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the Office action. The shortened statutory period for response set therein will be reset to

run from the date the Office action is re-mailed. Extensions of time are available under 37 C.F.R. § 1.136.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.



James L. Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components